

Remarks/Arguments

Claims 2-10 and 12-21 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for being directed to an envelope, while the claims from which they depend are drawn to an envelope, bag or other mailing device. In view of the above amendments to the claims to correct this inconsistency, it is requested that this rejection be withdrawn.

Claims 1, 4, 22 and 23 have been amended to recite the gripping quality of the protrusions. Support for this amendment is found in the specification at page 8, lines 1-7, and page 11, lines 1-3. Claims 1, 11 and 22 have been further amended to clarify that the claimed device is an envelope. Further, claims 1, 4, 22 and 23 have been amended to include the limitation of a seal flap or means for sealing the interior portion of the envelope.

Claims 1-32 have been rejected under 35 U.S.C. § 102(b) as being anticipated by either Hardy or Brosmith et al. or Marconi, alleging that each of these references disclose shock protective packaging having front and back panels and various kinds of protrusions protruding inwardly from the panels to protect the contents of the packaging. For the following reasons, applicant respectfully disagrees with these rejections.

Turning first to Hardy, U.S. Pat. No. 4,241,829, a transportation container for holding electrostatic sensitive electronic components is disclosed, namely, a box-like carton 10 has a top cover portion 12 and a bottom portion 14, each of which are fitted with a liner 56, 58 of convoluted urethane foam. The foam is impregnated with a conductive material, and the carton is coated with the same material. Items are sandwiched between the foam liners, whereby the items are retained in position by means of a pressure fit. Indeed, one of the primary functions of the container disclosed in Hardy is to "protect the items from physical shock during transportation." (See column 3, lines 39-43.) First, the box structure of Hardy does not teach the claimed envelope, comprising a front panel, a back panel and a seal flap. Further, due to the very

nature of the foam, i.e., that it must be capable of being impregnated with the conductive material, and even if the convoluted foam structure were to be seen as protrusions, Hardy cannot be deemed to teach a gripping material for its liner. Indeed, Hardy actually teaches away from any such gripping capabilities due to the inherent nature of the foam material. Furthermore, with respect to claims 4, 5 and 18, there is no teaching in Hardy of incorporating a handle structure with its carton. Accordingly, it is believed that the claims as amended herein do not lack novelty in view of Hardy.

Brosmith et al., U.S. Pat. No. 5,692,607, is directed to a CD or DVD case which contains a protective sleeve for minimizing possible damage to the CD playing surface. The case comprises flexible outer walls and has an inner wall which forms two internal compartments. The inner wall is provided, at least on one side thereof, with a series of protuberances to contact and thereby protect the CD playing surface. These protuberances are rounded, with only the tip portion actually contacting the CD, thereby minimizing the amount of surface area that directly contacts the CD playing surface. This case is designed to allow the CD to easily slide into and out of the internal compartment numerous times, making it essential that the protuberances not be constructed from a material capable of gripping the contents, as are the protrusions in the claimed invention. Specifically, Brosmith teaches that "the compact disc 36 can be slid into and out of the compartment 28 a substantially greater number of times with the sensitive side of the disc 36 not sustaining any significant surface scratches that could possibly be incurred with a similar protective sleeve not including the protuberances 42 or 46." (Column 4, lines 8-13.)

In addition to the clear distinction between the gripping capabilities of the claimed protrusions and the sliding characteristics of the Brosmith et al. protuberances, the Brosmith et al. sleeve does not disclose an envelope, nor does it incorporate a seal flap or any other closure means for sealing the interior portion thereof, as is required by the claims of the present

invention. Further, the protuberances are contained on an inner wall 14 of the article, and not on either the front or back panels of the device (12, 16), as is required by the claims herein. Finally, as discussed above with respect to claims 4, 5 and 18, there is no teaching in Brosmith et al. of incorporating a handle structure with its sleeve. Accordingly, it is submitted that Brosmith does not anticipate any of the claims as presented herein.

Marconi, U.S. Pat. No. 5,954,203, is directed to a packaging container for cradling and securing a product in a specific position during shipping. The base and cover of this container include cooperating plastic bubbles formed integrally with the plastic base and cover. These bubbles are resilient enough to give under the force of pressure and thereby cradle an item packaged within the container, but rigid enough to secure the item in place. As with the convoluted foam of Hardy, the bubble structure of the Marconi device retains items in place by means of a pressure fit. Nowhere in Marconi is it taught or even suggested that the plastic bubbles are to have gripping characteristics as claimed by the present invention. Also, the container of Marconi fails to teach an envelope comprising a front panel, a back panel and a seal flap. Further, with respect to claims 4, 5 and 18, there is no teaching in Marconi of incorporating a handle structure with its carton. It is thus believed that the claims as amended herein do not lack novelty in view of Marconi.

Accordingly, in view of the above amendments and accompanying remarks, it is submitted that the claims define subject matter which is novel in view of the three cited patents, and it is requested that the rejections under 35 U.S.C. § 102(b) be withdrawn.

The claims stand further rejected under 35 U.S.C. § 103 as being obvious in view of Soderhold et al., U.S. Pat. No. 4,679,688. Soderhold et al. is directed to a package with shock-absorbing material for shipment of risk samples contained within a primary package. This package comprises an inner casing 1 having a shock-absorbing material contained on the inner

walls thereof, and an outer casing 6. The shock-absorbing material comprises translucent blister foil having air cushions or pockets. This inner casing 1 can be separate from or welded into the outer casing 6. In addition, the inner casing 1 and the outer casing 6 are both intended to be at least partially constructed from a translucent material to allow viewing of the inner contents. The blister foil, presumed in the Office Action to be protrusions, is designed as a shock-absorbing device, not as a means to prevent slippage of the contents, as is claimed in the present application. In fact, nowhere in Soderhold et al. is it taught or suggested that the outer surface of the blister foil should have gripping characteristics, nor is slippage or gripping of the contents discussed. Furthermore, the shock-absorbing material is not directly coupled onto the front and back walls of the package, as is claimed in the present invention, but instead is coupled with the walls of the inner casing 1. Further, with respect to claims 4, 5 and 18, there is no teaching in Soderhold et al. of incorporating a handle structure with its package.

Accordingly, it is believed that the claims as amended herein are not rendered obvious in view of Soderhold et al.. It is therefore respectfully requested that the rejection under 35 U.S.C. § 103 be withdrawn.

In view of the above amendments and accompanying remarks, it is submitted that the claims as presented herein contain allowable subject matter, and it is requested that such favorable action be entered when this case is next reached for attention.

Respectfully submitted,


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